

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FRISKIT, INC.,

No. C 03-5085 WWS (MEJ)

Plaintiff,

vs.

ORDER RE: DISCOVERY DISPUTE OVER  
SOURCE CODE PRODUCTION

REALNETWORKS, INC., and LISTEN.COM.,

Defendants.

Before the Court is parties' joint letter dated June 23, 2005. Plaintiff Friskit, Inc. ("Plaintiff") and defendants RealNetworks, Inc. and Listen.com (collectively "Defendants") dispute over Defendants' duty to produce source codes pursuant to Patent Local Rule 3-4(a). On July 7, 2005, the Court conducted a telephonic discovery conference on the issue.

After careful consideration of parties' joint letter, review of Patent Local Rule 3-4(a), and oral arguments made during the telephonic conference call, the Court hereby ORDERS as follows:

- 1) Defendants shall produce source codes "sufficient to show the operation of any aspects or elements of an Accused Instrumentality identified by the patent claimant in its Patent L.R. 3-1(c) chart." Patent L.R. 3-4(a). Defendants shall produce source codes no later than July 15, 2005.
- 2) Defendants are further ordered to produce source codes in an electronic format.
- 3) Parties shall meet and confer in person to resolve any remaining issues regarding the production of source codes before contacting the Court.

IT IS SO ORDERED.

Dated: July 7, 2005

  
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MARIA ELENA JAMES  
United States Magistrate Judge